IV2239919

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COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

A Tradition of Service

DATE: February 26, 2010

OFFICE CORRESPONDENCE

FILE NO. IV2260534
FO2239919

FROM: ERIC B. SMITH, COMMANDER
LEADERSHIP & TRAINING DIVISION

TO: KARYN MANNIS, CAPTAIN
INTERNAL AFFAIRS BUREAU

SUBJECT: **EXECUTIVE FORCE REVIEW COMMITTEE FINDINGS AND RECOMMENDATIONS USE OF FORCE**

The purpose of this memo is to notify you of the Review Committee's findings and recommendations concerning the use of force incident which occurred on March 16, 2009.

The Committee met on February 11, 2010, and consisted of me; Commander Daryl Evans, Technical Services Division; and Commander Stephen B. Johnson, Custody Operations Division.

The Committee deemed:

- as **Founded**, the allegation that Deputy [redacted] #[redacted] violated the Department's Manual of Policy and Procedures, Section: 3-01/030.10 (Obedience to Laws, Regulations, and Orders), as it relates to Custody Division Manual Section: 5-05/090.05 (Handling Insubordinate, Recalcitrant, Hostile, or Aggressive Inmates), on or about March 16, 2009, Deputy Quintanilla:

  a. Failed to expeditiously notify or request the immediate presence of a supervisor and/or assistance or backup prior to dealing with, or handling, or personally engaging a recalcitrant/potentially violent inmate while the inmate was locked in the shower area, and/or,

  b. chose to individually engage a recalcitrant/potentially violent inmate by calling him out of the secured shower area after hearing the inmate make threats and use profanity, thereby leading to a confrontation which lead deputies to use significant force in order to subdue the inmate.

The Committee recommended that Deputy [redacted] #[redacted] receive a **Suspension with loss of pay and benefits for 1 day.**

EBS:YLW/ylw

Los Angeles County Sheriff's Department

Supervisor's Report on Use of Force

Incident Information

URN: 0 0 9 - 0 0 3 5 0 - 5 1 0 0 - 1 4 5 | Date: 3/16/09 | Time: 1050 hours

Location: 441 Bauchet Street | City or Station: Los Angeles

Bureau/Station/Facility: Men's Central Jail | Admin. Investigation: YES ☐ NO ☒

Type of Force: Significant/Less than Use of Force: Control Hold/Takedown/Flashlight/O.C.

Deputy Injury : YES ☐ NO ☒ | Suspect Injury YES ☒ NO ☐

☐ Call ☒ Observation ☐ Detail | ☐ Foot Pursuit ☐ Vehicle Pursuit

IAB Notified: YES ☒ NO ☐ Person Notified: Lt. Don Slawson Emp: [redacted] IAB Roll Out: YES ☒ NO ☐

Involved Employee

E1

Employee #: [redacted] | Last Name: [redacted] | First Name: [redacted] | Middle Name: [redacted]

Sex: ☒ Male ☐ Female | Race: Hispanic | Unit of Assignment: Men's Central Jail | Work Assignment (Unit #, Module, etc.): 3100/3300 Movement Deputy

Shift: ☐ EM ☒ Day ☐ PM | ☒ Regular Shift ☐ OT Shift ☐ Off Duty | Age: [redacted] | Height: 511 | Weight: 210

☐ Injured ☐ Treated ☐ Admitted Hospital: | Coroner Case # | Directed Force ☐ Significant Force ☐

E2

Employee #: [redacted] | Last Name: [redacted] | First Name: [redacted] | Middle Name: [redacted]

Sex: [redacted] | Race: [redacted] | Unit of Assignment: [redacted] | Work Assignment (Unit #, Module, etc.): [redacted]

Shift: [redacted] | [redacted] | Age: [redacted] | Height: [redacted] | Weight: [redacted]

☐ Injured ☐ Treated ☐ Admitted Hospital: | Coroner Case # | Directed Force ☐ Significant Force ☒

E3

Employee #: [redacted] | Last Name: [redacted] | First Name: [redacted] | Middle Name: [redacted]

Sex: ☒ Male ☐ Female | Race: White | Unit of Assignment: Men's Central Jail | Work Assignment (Unit #, Module, etc.): 3100/3300 Prowl/Movement

Shift: ☐ EM ☒ Day ☐ PM | ☒ Regular Shift ☐ OT Shift ☐ Off Duty | Age: [redacted] | Height: 510 | Weight: 190

☒ Injured ☒ Treated ☐ Admitted Hospital: | Coroner Case # | Directed Force ☐ Significant Force ☐

☒ **Additional Involved Employees**

On Duty Supervisor

Emp #	Last Name	First Name	Middle Name	Rank	Present	Witness to Incident
[redacted]	Barbosa	Ernie	NMN	Sgt.	YES ☐ NO ☒	YES ☐ NO ☒
[redacted]	Geske	Sean	M.	B-1	YES ☐ NO ☒	YES ☐ NO ☒

Watch Sergeant

Emp #	Last Name	First Name	Middle Name
[redacted]	Herron	Edward	G.

Watch Commander

Emp #	Last Name	First Name	Middle Name
[redacted]	Shannon	Thomas	G.

Watch Commander (**Print Name**) | Watch Commander's **Signature**: | Emp #: | Date

Teri Roberts, Sergeant | [redacted]

Supervisor Completing Form: (**Print Name**) | Emp #: | Copy Provided to Employee by: | Emp #:

Unit Commander (**Print Name**) | Unit Commander's **Signature**: | Emp #: | Date

DISCOVERY Use Only

FO#

Original: Discovery Unit
Copy: Unit Commander

SH-R-438P (Rev. 07/08)

Supervisor's Report on Use of Force
SUSPECT INFORMATION
0 0 9 - 0 0 3 5 0 - 5 1 0 0 - 1 4 5

Suspect Information

S 1

Last Name: Barnett	First Name: Alexander	Middle Name: Carl
AKA Last Name:	First Name:	Middle Name:

Sex	Race	Street Address	City	State & Zip Code
[X] Male [ ] Female	Black	[redacted]	[redacted]	[redacted]

Work Phone	Home Phone	Age	Height	D.O.B.	Weight	Armed?
[redacted]	[redacted]	21	600	11-05-88	180	[ ]

Booking #: 1723409 Primary Charge Code: 11359HS Secondary Charge Code: Criminal History [redacted]

EMT in attendance? [ ] YES [X] NO Name: ______ Unit: ______ Phone #: ______

Hospital Admission? [ ] Rec'd Treatment At: Men's Central Jail Clinic Coroner Case #: ______ Mental History [X]

By Doctor: Raleigh H.Saddler Address: 441 Bauchet Street, Los Angeles Phone #: 213 893-5455

Under Influence: [ ] YES [X] NO Substance: ______ Mental Illness [ ]

Suspect Interview

Date: 03-16-09 Time: 1300 [X] Audiotape: [ ] Videotape: [X] Photos of Injuries: [ ] ADMITS HEARING ANNOUNCEMENTS

Suspect Information

S__

Last Name: First Name: Middle Name:

AKA Last Name: First Name: Middle Name:

Sex: [ ] Male [ ] Female Race: Street Address: City: State & Zip Code:

Work Phone: Home Phone: Age: Height: D.O.B. Weight: Armed? [ ]

Booking #: Primary Charge Code: Secondary Charge Code: Criminal History [ ]

EMT in attendance? [ ] YES [ ] NO Name: ______ Unit: ______ Phone #: ______

Hospital Admission? [ ] Rec'd Treatment At: ______ Coroner Case #: ______ Mental History [ ]

By Doctor: ______ Address: ______ Phone #: ______

Under Influence: [ ] YES [ ] NO Substance: ______ Mental Illness: [ ]

Suspect Interview

Date: Time: [ ] Audiotape: [ ] Videotape: [ ] Photos of Injuries: [ ] ADMITS HEARING ANNOUNCEMENTS

Suspect Information

S__

Last Name: First Name: Middle Name:

AKA Last Name: First Name: Middle Name:

Sex: [ ] Male [ ] Female Race: Street Address: City: State & Zip Code:

Work Phone: Home Phone: Age: Height: D.O.B. Weight: Armed? [ ]

Booking #: Primary Charge Code: Secondary Charge Code: Criminal History [ ]

EMT in attendance? [ ] YES [ ] NO Name: ______ Unit: ______ Phone #: ______

Hospital Admission? [ ] Rec'd Treatment At: ______ Coroner Case #: ______ Mental History [ ]

By Doctor: ______ Address: ______ Phone #: ______

Under Influence: [ ] YES [ ] NO Substance: ______ Mental Illness [ ]

Suspect Interview

Date: Time: [ ] Audiotape: [ ] Videotape: [ ] Photos of Injuries: [ ] ADMITS HEARING ANNOUNCEMENTS

[ ] **Additional Suspects Involved**

Method

(AW) Arwen
(BC) Baton: (Control)
(BI) Baton: (Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds: (Control Techniques)
(TT) Control Holds: (Team Takedown)
(TD) Control Holds: (Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device: Hobble (Legs Only)
(TP) Restraint Device: Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hands
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(NO) Nose
(SH) Shoulder
(WR) Wrist

FORCE USED BY		FORCE USED AGAINST		Method (Code)	Type of Injury (Code)	Body Part (Code)
Name	E# or S#	Name	E# or S#			
[redacted]	E#1	Barnett	S#1	RH,CT	NN	
Barnett	S#1	[redacted]	E#1	RS	NN	
[redacted]	E#1	Barnett	S#1	TD	NN	
Barnett	S#1	[redacted]	E#1	UC,RS,PK	NN	
[redacted]	E#1	Barnett	S#1	PH	AB/BR	FA
Barnett	S#1	[redacted]	E#1	UC,RS,PK	NN	
[redacted]	E#1	Barnett	S#1	PH	NN	BK
Barnett	S#1	[redacted]	E#1,2	UC,RS,PK	NN	
[redacted]	E#2	Barnett	S#1	FL	CP	AK
Barnett	S#1	[redacted]	E#1,2	UC,RS,PK	NN	
[redacted]	E#2	Barnett	S#1	FL	CP	AK
Barnett	S#1	[redacted]	E#1.2	UC,RS,PK	NN	
[redacted]	E#2	Barnett	S#1	FL	FR	AK
Barnett	S#1	[redacted]	E#1-3	UC,RS	NN	
[redacted]	E#3	Barnett	S#3	OC	CP	FA

Force Applied

Significant Use of Force: CONTROL HOLD / TAKEDOWN / FLASHLIGHT / O.C.

Incident Details

On March 16, 2009, at approximately 1050 hours, Deputy [redacted] was assisting 3100 Module Deputy [redacted] and 3100/3300 Prowl/Movement Deputy [redacted] with inmate showers in Module 3300. Inmate Barnett concluded his shower and was ready to be escorted to his cell. Deputy [redacted] manned the 3300 officer's cage and controlled the gate levers while Deputy [redacted] backed Deputy [redacted] Deputy [redacted] handcuffed Inmate Barnett through the cuffing port of the Baker row shower cell. Prior to opening the shower cell gate, Deputy [redacted] told Deputy [redacted] that he had given Inmate Barnett a razor prior to his shower, and asked if Inmate Barnett had surrendered his razor.

Prior to opening the shower cell gate, Deputy [redacted] asked Inmate Barnett for the razor. Inmate Barnett said he had no razor and never received one.

Deputy [redacted] asked Deputy [redacted] to check the crate in the officer's cage for the razor in Inmate Barnett's slot for cell #8. There was no razor in the slot, which indicates Inmate Barnett's razor was checked out.

Deputy [redacted] directed Inmate Barnett out of the shower cell and asked him for the razor. Inmate Barnett replied, "I don't fuckin have it."

Deputy [redacted] and Deputy [redacted] escorted Inmate Barnett off Baker row and into the corridor located in front of Module 3300 officer's cage. Deputy [redacted] conducted a cursory search of Inmate Barnett's person for the razor.

As Deputy [redacted] searched Inmate Barnett's right leg, Inmate Barnett quickly turned toward Deputy [redacted] and into a crouched position. Believing Inmate Barnett may have the razor in his hand, Deputy [redacted] immediately grabbed Inmate Barnett and took him down to the floor. Inmate Barnett began to violently kick at the deputies. The deputies repeatedly gave Inmate Barnett verbal commands to stop fighting and kicking, but he refused to comply.

Deputy [redacted] punched Inmate Barnett 3-4 times on the left side of his face. Inmate Barnett continued kicking. Deputy [redacted] then elbowed Inmate Barnett 4-6 times in the lower back. Inmate Barnett continued his aggression toward the deputies.

In order to gain control of Inmate Barnett's legs, Deputy [redacted] struck Inmate Barnett three times on his ankle with a flashlight. Inmate Barnett stopped his assaultive behavior after Deputy [redacted] deployed a three to four second burst of Freeze + P to his face.

Inmate Barnett's razor was found secreted in his right sock.

Internal Affairs Lieutenant Don Slawson was notified on March 16, 2009.

Reported Use of Force by Involved Employee(s)

Deputy [redacted] Deputy [redacted] and Deputy [redacted] completed a written report of their observations and actions, which is consistent with their verbal notification to Sergeant Ernie Barbosa of their use of force.

Witness Interview(s)

None.

Suspect Interview(s)

Suspect Interview(s) Conducted by: ☒ **Watch Commander** ☒ **Supervising Sergeant**

Sergeant Ernie Barbosa and Lieutenant Thomas Shannon interviewed Inmate Barnett on videotape in the MCJ medical clinic after the incident.

Inmate Barnett stated Deputy [redacted] escorted him from the Baker row shower cell to the corridor area in front of Module 3300 officer's cage.

Deputy [redacted] asked Inmate Barnett, "What was that you said the other day?" Inmate Barnett said, "I don't know what your talking about." Deputy [redacted] asked, "Where's the razor?" Inmate Barnett replied, "On top of the telephone."

Deputy [redacted] punched Inmate Barnett once on the right side of his face, then threw Inmate Barnett to the floor where he landed face down onto the left side of his face. Deputy [redacted] struck Inmate Barnett 4-5 additional times on the left and right side of his face. Deputy [redacted] then pepper sprayed him.

Inmate Barnett stated he felt 8-10 fists punching his body. He also felt someone kicking and stomping on his ankle more than 5 times.

Medical Review

Inmate Barnett was medically examined and treated at the Men's Central Jail medical clinic for OC exposure, facial swelling and redness, a chin laceration, knee contusions, a contusion to his left ankle, and a swollen left ankle. He was subsequently transported via radio car to Los Angeles County University Southern California Medical Center Jail for x-rays to be taken of his left ankle. It was determined Inmate Barnett sustained a fractured left ankle.

No deputies were injured as a result of this incident.

Training & Tactical Review

☒ **Debriefing held to discuss training and tactical issues.**

Training and Tactical Review to be presented at the Executive Force Review Committee at a pending date and time.

Watch Commander's Review

Training and Tactical Review to be presented at the Executive Force Review Committee at a pending date and time.

Case Status

In lieu of a criminal filing, this case was cleared and closed by "exception." Inmate Barnett was sentenced and was to serve time for another offense.

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT

SIGNIFICANT FORCE INCIDENT EVALUATION

UNIT: Men's Central Jail
DATE: March 16, 2009, Monday
TIME: 1050 hours
LOCATION: 441 Bauchet Street, Los Angeles 90012
Men's Central Jail, Module 3300
IAB#: FO2239919
URN#: 009-00350-5100-145

NATURE OF INCIDENT:

On March 16, 2009, at approximately 1050 hours, Men's Central Jail Deputies [redacted] (Employee# [redacted] (Employee# [redacted] and [redacted] (Employee# [redacted] were involved in a significant use of force incident with Inmate Alexander Barnett (MB/11-05-88) in Module 3300, causing him to sustain a fractured ankle.

Deputy [redacted] was assigned as the 3100/3300 Movement Deputy. He was assisting 3100 Module Deputy [redacted] and 3100/3300 Prowl/Movement Deputy [redacted] with inmate showers in Module 3300. Inmate Barnett concluded his shower and was ready to be escorted to his cell. Deputy [redacted] manned the 3300 officer's cage and controlled the gate levers while Deputy [redacted] backed Deputy [redacted] Deputy [redacted] handcuffed Inmate Barnett through the cuffing port of the Baker row shower cell. Prior to opening the shower cell gate, Deputy [redacted] told Deputy [redacted] that he had given Inmate Barnett a razor prior to his shower, and asked if Inmate Barnett had surrendered his razor.

Prior to opening the shower cell gate, Deputy [redacted] asked Inmate Barnett for the razor. Inmate Barnett said he had no razor and never received one.

Deputy [redacted] asked Deputy [redacted] to check the crate in the officer's cage for the razor in Inmate Barnett's slot for cell #8. There was no razor in the slot, which indicates Inmate Barnett's razor was checked out.

Deputy [redacted] directed Inmate Barnett out of the shower cell and asked him for the

razor. Inmate Barnett replied, "I don't fuckin have it."

Deputy [redacted] and Deputy [redacted] escorted Inmate Barnett off Baker row and into the corridor located in front of Module 3300 officer's cage. Deputy [redacted] conducted a cursory search of Inmate Barnett's person for the razor.

As Deputy [redacted] searched Inmate Barnett's right leg, Inmate Barnett quickly turned toward Deputy [redacted] and got into a crouched position. Believing Inmate Barnett may have the razor in his hand, Deputy [redacted] immediately grabbed Inmate Barnett and took him down to the floor. Inmate Barnett began to violently kick at the deputies. The deputies repeatedly gave Inmate Barnett verbal commands to stop fighting and kicking, but he refused to comply.

Deputy [redacted] punched Inmate Barnett 3-4 times on the left side of his face. Inmate Barnett continued kicking. Deputy [redacted] then elbowed Inmate Barnett 4-6 times in the lower back. Inmate Barnett continued his aggression toward the deputies.

In order to gain control of Inmate Barnett's legs, Deputy [redacted] struck Inmate Barnett three times on his ankle with a flashlight. Inmate Barnett stopped his assaultive behavior after Deputy [redacted] deployed a three to four second burst of Freeze + P to his face. Deputies [redacted] and [redacted] reported their use of force to Sergeant Ernie Barbosa (# [redacted]

Inmate Barnett's razor was found secreted in his right sock.

Inmate Barnett was treated at Men's Central Jail clinic for OC exposure, facial swelling and redness, a chin laceration, knee contusions, a contusion to his left ankle, and a swollen left ankle. He was subsequently transported via radio car to Los Angeles County University Southern California Medical Center Jail for x-rays to be taken of his left ankle. It was determined Inmate Barnett sustained a fractured left ankle.

No deputies were injured as a result of this incident.

> **IAB Note: Refer to Exhibit A for Criminal and Supplemental reports.**
>
> **IAB Note: For further details on Inmate Barnett's injuries, refer to Exhibit B for a copy of the Men's Central Jail Inmate Injury Report, and the medical report from the Los Angeles County University Southern California Medical Center pertaining to his fractured left ankle.**

The following deputy personnel reported the following use of force:

Deputy [redacted] Takedown; punched Inmate Barnett 3-4 times on the left side of his face; elbowed Inmate Barnett 4-6 times on his back and lower torso.

Deputy [redacted] Struck Inmate Barnett 3 times on his ankle with a flashlight.

Deputy [redacted] Placed his left foot onto Inmate Barnett's left shoulder and applied pressure, pushing Inmate Barnett to the floor; placed his left knee onto Inmate Barnett's upper back; deployed 2-3 second burst of Freeze +P to Inmate Barnett's face.

> **IAB Note: For further details, refer to Exhibit A for a copy of deputy personnel's Incident report and supplementary reports on their respective use of force.**

Internal Affairs Bureau Lieutenant Don Slawson was notified and Sergeant Teri Roberts responded to Men's Central Jail to conduct a force review of the incident.

Inmate Barnett spoke to Internal Affairs Sergeant Teri Roberts on March 17, 2009. Inmate Barnett stated Deputy [redacted] handcuffed and escorted him out of the 3300 Baker row shower cell to the area in front of the 3300 officer's cage. Deputy [redacted] told Inmate Barnett to face the wall and spread his legs. Deputy [redacted] kicked his right leg further and began to search him. Deputy [redacted] asked Inmate Barnett for his razor. Inmate Barnett indicated the razor was on top of the telephone and that he never touched it.

Deputy [redacted] punched Inmate Barnett once on the right side of his face, pulled back on his handcuffs in addition to the collar of his shirt, and slammed Inmate Barnett on the floor face down. Deputy [redacted] placed his knee on Inmate Barnett's back and punched him 4-5 additional times in the face. Deputy [redacted] then pepper sprayed him in the eyes. Inmate Barnett felt 8-10 fists hitting him in the face, back, legs and his sides. He also felt someone stepping and stomping on his ankle.

Inmate Barnett denied resisting or kicking the Deputies.

> **IAB Note: For further details, refer to the summary of Inmate Barnett's interview and a transcribed copy of the audio-recorded interview.**

The following review is based on written documentation, and the interviews of the inmate

and the involved deputies.

INVOLVED PERSONNEL:

[redacted] - Deputy Sheriff, Employee # [redacted]
Custody Operations Division
Men's Central Jail

EMPLOYEE WORK HISTORY:



Date of Employment: [redacted]
Date Assigned to Custody: [redacted]
Completed Custody Training: [redacted]
Prior Shooting Incident(s): [redacted]
Prior Founded Force Incidents: [redacted]

[redacted] Employee # [redacted]
[redacted]

EMPLOYEE WORK HISTORY:



Date of Employment: [redacted]
Date Assigned to Custody:
Completed Custody Training:
Prior Shooting Incident(s): [redacted]
Prior Founded Force Incidents:

[redacted] - Deputy Sheriff, Employee # [redacted]
Custody Operations Division
Men's Central Jail

EMPLOYEE WORK HISTORY:



Date of Employment: [redacted]
Date Assigned to Custody:
Completed Custody Training:
Prior Shooting Incident(s): [redacted]
Prior Founded Force Incidents:

INVOLVED INMATE:

Barnett, Alexander, MB/21, Booking #1723409, DOB: 11-05-1988
[redacted]
Booking Charges: 11359HS
Main: [redacted] CII: [redacted] CDL: [redacted] FBI#: [redacted]
JAIN: [redacted] CDC: [redacted]

Involved Suspect Criminal History:

A review of the inmate's criminal history reveals [redacted] Refer to the CCHRS and RAPS printouts included under **Exhibit A.**

DEPARTMENT EMPLOYEE WITNESSES:

None.

NON-DEPARTMENT WITNESSES:

None.

INJURIES:

Inmate Barnett sustained a fractured left ankle, a contusion to his left ankle, contusions to both knees, a laceration to his chin, and swelling and redness to both eyes. Refer to **Exhibit C** for photos of Inmate Barnett's injuries taken by Sergeant Roberts at Men's Central Jail.

PHYSICAL EVIDENCE:

None.

INVESTIGATOR'S OBSERVATIONS:

None.

WEAPON USED BY DEPUTY PERSONNEL:

Control Hold (Takedown), Personal Weapons (fists, hands, elbow ,arms, knee, foot), Flashlight, Chemical Agent (O.C. spray).

WEAPON USED BY INMATE:

Uncooperative, Resistance, Personal Weapons (feet, body).

PROPERTY DAMAGE:

None.

CRIMINAL INVESTIGATOR and CHARGES FILED:

Investigator: Detective O'Dell

Charges Filed: None.
The case was cleared by exception. The inmate was sentenced and serving time for another offense.

LIGHTING AND WEATHER CONDITIONS:

The incident occurred indoors. The area was very well lit.

INVOLVED EMPLOYEE STATEMENTS:

DEPUTY [redacted] Employee [redacted] was interviewed on March 30, 2009, by Internal Affairs Bureau Sergeant Teri Roberts and Sergeant Frank Quichocho. Deputy [redacted] was represented by Green & Shinee Attorney Mitchell Kander. The interview took place at the Internal Affairs Bureau and was digitally recorded. The following is a summary.

Deputy [redacted] was assigned as the 3100/3300 Movement Deputy. 3100 module Deputy [redacted] asked Deputy [redacted] if he would assist with shower changes. Deputy [redacted] asked 3100/3300 Prowl Movement Deputy [redacted] to back him while he (Deputy [redacted] handcuffs Inmate Barnett to escort him out of the shower cell **(refer to Exhibit D)** of Module 3300 Baker row. The shower cell is the first cell behind the officer's cage.

> **IAB Note: Refer to Exhibit E for Deputy [redacted] diagram of Module 3300.**

While Deputy [redacted] was monitoring the trusties deliver chow in module 3100 Baker row, Deputy [redacted] advised Deputy [redacted] that Inmate Barnett had not turned in his razor.

Prior to opening the shower cell gate, Deputy [redacted] asked Inmate Barnett to give up his razor. Inmate Barnett said he had no razor and never received one.

Deputy [redacted] asked Deputy [redacted] who was in the 3300 officer's cage **(refer to Exhibit D)**, to check the box **(refer to Exhibit D)** in the officer's cage where the inmates' razors are stored and accounted for. There was no razor in the slot for cell #8, which indicates Inmate Barnett's razor was missing. By this time, Deputy [redacted] had already racked the shower cell gate in the open position. As Deputy [redacted] directed Inmate Barnett out of the shower cell, he once again asked Inmate Barnett for the razor. Inmate Barnett replied, "I don't fuckin have it."

Deputy [redacted] escorted Inmate Barnett off Baker row, through the sally port area **(refer to Exhibit D)** and into the corridor **(refer to Exhibit D)** located in front of Module 3300 officer's cage. As Inmate Barnett was standing and facing the wall, Deputy [redacted] conducted a cursory search of Inmate Barnett's person for the razor. Inmate Barnett appeared tense and was repeatedly looking around. Deputy [redacted] told Inmate Barnett 2-3 times to stop looking around and to face the wall.

When Deputy [redacted] bent down while searching Inmate Barnett's right leg, Barnett suddenly spun towards Deputy [redacted] in a crouched position. Deputy [redacted] believed he was going to be attacked by Inmate Barnett. Deputy [redacted] immediately grabbed Inmate Barnett by his shirt and pulled him down to the floor, face down. Deputy [redacted] landed on top of Inmate Barnett. Barnett began to kick his legs and attempted to turn around and face Deputy [redacted] Deputy [redacted] repeatedly gave Inmate Barnett verbal commands to stop fighting, but Barnett refused to comply.

Deputy [redacted] was unable to control Inmate Barnett. Deputy [redacted] struck Barnett 3-4 times in the left side of his face with a fist as Inmate Barnett continued to kick. Deputy [redacted] then elbowed Inmate Barnett 4-6 times in the lower back. Inmate Barnett again attempted to turn around and continued to kick his legs up in the air.

Deputy [redacted] responded and gave Inmate Barnett verbal commands to stop fighting. Deputy [redacted] then deployed his OC spray to Barnett's facial area. Inmate Barnett stated, "Okay. I'm done, I'm done, I'm done." Inmate Barnett stopped turning and kicking. Deputy [redacted] continued to search Inmate Barnett's person and found the intact razor inside his sock in the outer area of his right ankle. Sergeant Barbosa and additional deputies arrived.

Deputy [redacted] reported his use of force to Sergeant Barbosa. He was not injured in the incident.

Deputy [redacted] did not see what force Deputy [redacted] used, nor does he not know how Inmate Barnett sustained a fractured ankle.

Deputy [redacted] did not use his OC spray because he felt he did not have time due to Inmate Barnett crouching down toward him and feared Inmate Barnett may have the razor in his hand. The first thing that came to Deputy [redacted] mind was to grab Inmate Barnett by the shirt and take him down to the floor.

> **<u>IAB Note:</u> Refer to Exhibit A for a copy of Deputy [redacted] Incident report, File #009-00350-5100-145.**

> **<u>IAB Note</u>: Refer to a copy of Deputy [redacted] transcribed interviews for further details.**

DEPUTY [redacted] Employee # [redacted] was interviewed on March 30, 2009, by Internal Affairs Bureau Sergeant Teri Roberts and Sergeant Frank Quichocho. Deputy [redacted] was represented by Green & Shinee Attorney Mitchell Kander. The interview took place at the Internal Affairs Bureau and was digitally recorded. The following is a summary.

Deputy [redacted] was assigned as the [redacted] Deputy [redacted] and Deputy [redacted] were assisting Deputy [redacted] with the inmate shower exchanges. Inmate Barnett was finished with his shower and was ready to be escorted back to his cell, Able row, #8.

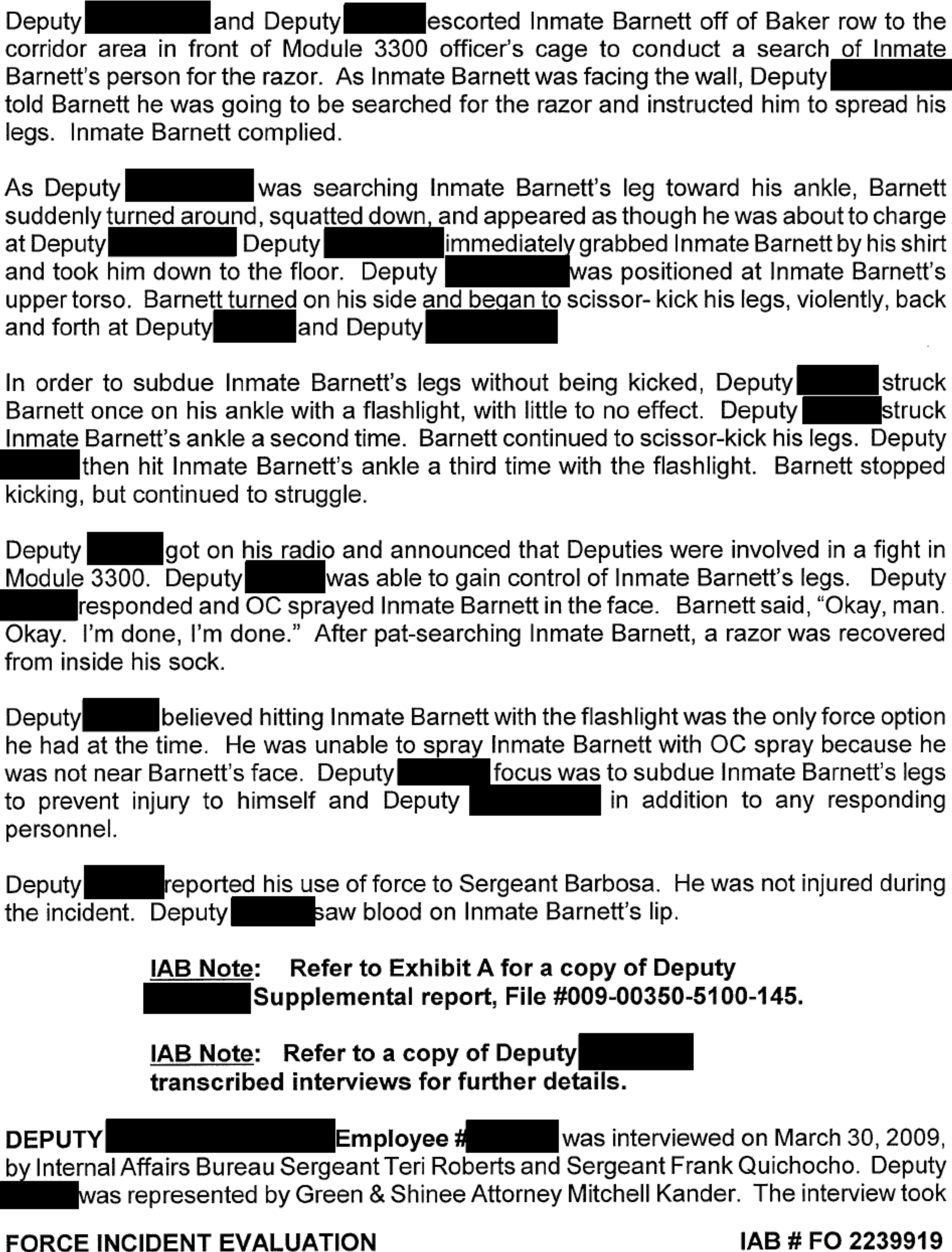
Deputy [redacted] was standing in front of the 3300 Baker row gate **(refer to Exhibit D)** by the shower cell as Deputy [redacted] handcuffed Inmate Barnett through the cuffing port **(refer to Exhibit D)** of the shower cell gate. Deputy [redacted] then racked open the shower cell gate from inside the officer's cage.

> **<u>IAB Note</u>: Refer to Exhibit F for Deputy [redacted] diagram of Module 3300. Deputy [redacted] position is identified with an "R", Deputy [redacted] position is identified with a "Q" and Deputy [redacted] position is identified with a "B".**

Once Inmate Barnett stepped out of the shower cell onto the row, Deputy [redacted] asked Deputy [redacted] if Inmate Barnett had surrendered his razor. Deputy [redacted] then asked Inmate Barnett for the razor. Barnett stated he was not given a razor.

Deputy [redacted] advised Deputy [redacted] that he himself had escorted Inmate Barnett into the shower earlier and specifically recalls giving Barnett a razor.

Deputy [redacted] asked Deputy [redacted] to check the crate in the officer's cage where each inmate's razor is accounted for and stored. Deputy [redacted] indicated there was no razor in Inmate Barnett's slot for cell #8. Deputy [redacted] asked Inmate Barnett again for the razor. Barnett responded, "I don't have a fuckin razor."



Deputy [redacted] and Deputy [redacted] escorted Inmate Barnett off of Baker row to the corridor area in front of Module 3300 officer's cage to conduct a search of Inmate Barnett's person for the razor. As Inmate Barnett was facing the wall, Deputy [redacted] told Barnett he was going to be searched for the razor and instructed him to spread his legs. Inmate Barnett complied.

As Deputy [redacted] was searching Inmate Barnett's leg toward his ankle, Barnett suddenly turned around, squatted down, and appeared as though he was about to charge at Deputy [redacted] Deputy [redacted] immediately grabbed Inmate Barnett by his shirt and took him down to the floor. Deputy [redacted] was positioned at Inmate Barnett's upper torso. Barnett turned on his side and began to scissor- kick his legs, violently, back and forth at Deputy [redacted] and Deputy [redacted]

In order to subdue Inmate Barnett's legs without being kicked, Deputy [redacted] struck Barnett once on his ankle with a flashlight, with little to no effect. Deputy [redacted] struck Inmate Barnett's ankle a second time. Barnett continued to scissor-kick his legs. Deputy [redacted] then hit Inmate Barnett's ankle a third time with the flashlight. Barnett stopped kicking, but continued to struggle.

Deputy [redacted] got on his radio and announced that Deputies were involved in a fight in Module 3300. Deputy [redacted] was able to gain control of Inmate Barnett's legs. Deputy [redacted] responded and OC sprayed Inmate Barnett in the face. Barnett said, "Okay, man. Okay. I'm done, I'm done." After pat-searching Inmate Barnett, a razor was recovered from inside his sock.

Deputy [redacted] believed hitting Inmate Barnett with the flashlight was the only force option he had at the time. He was unable to spray Inmate Barnett with OC spray because he was not near Barnett's face. Deputy [redacted] focus was to subdue Inmate Barnett's legs to prevent injury to himself and Deputy [redacted] in addition to any responding personnel.

Deputy [redacted] reported his use of force to Sergeant Barbosa. He was not injured during the incident. Deputy [redacted] saw blood on Inmate Barnett's lip.

> **IAB Note: Refer to Exhibit A for a copy of Deputy [redacted] Supplemental report, File #009-00350-5100-145.**

> **IAB Note: Refer to a copy of Deputy [redacted] transcribed interviews for further details.**

DEPUTY [redacted] Employee # [redacted] was interviewed on March 30, 2009, by Internal Affairs Bureau Sergeant Teri Roberts and Sergeant Frank Quichocho. Deputy [redacted] was represented by Green & Shinee Attorney Mitchell Kander. The interview took

place at the Internal Affairs Bureau and was digitally recorded. The following is a summary.

Deputy [redacted] was assigned as the 3100/3300 Prowl/Movement Deputy. He was in the officer's cage **(refer to Exhibit D)** of module 3300, controlling the gate levers while Deputies [redacted] and [redacted] were escorting inmates, individually, to and from the 3300 Baker row shower cell.

When Inmate Barnett's shower time was up, Deputy [redacted] handcuffed Barnett through the cuffing port of the shower cell gate. Deputy [redacted] was standing several feet behind Deputy [redacted] next to the row gate. Deputy [redacted] told Deputy [redacted] to rack the cell gate open. As Inmate Barnett exited the cell, Deputy [redacted] heard Barnett say, "Hey, I don't have the fuckin razor."

Deputy [redacted] asked Deputy [redacted] to check the storage box in the officer's cage for Inmate Barnett's razor. There was no razor in Barnett's slot, which indicates Inmate Barnett had not surrendered his razor. Deputy [redacted] stated he was going to search Inmate Barnett's person for the razor. Deputy [redacted] and Deputy [redacted] escorted Inmate Barnett off of Baker row, and out of sight of the other inmates, to the corridor area in front of Module 3300 officer's cage. Deputy [redacted] instructed Inmate Barnett to face the wall and spread his legs as Deputy [redacted] held Inmate Barnett's cuffed hands, with a firm grip, behind his back.

Deputy [redacted] conducted a pat down search. As Deputy [redacted] was bent over searching the sock of Inmate Barnett's right leg, Barnett abruptly turned around and tried to face Deputy Quintanilla. Barnett said, "Hey, what the fuck are you doing? Why are you doing this? I don't have a fuckin razor." Inmate Barnett became hostile and uncooperative. Deputy [redacted] reached up with one arm, grabbed Inmate Barnett, and pulled him down to the floor. Deputy [redacted] was unable to see what transpired between Deputy [redacted] and Inmate Barnett while they were on the floor due to the obstruction of a 4-foot aluminum barrier **(refer to Exhibit D)**, from the ground up, on the inside of the officer's cage. Deputy [redacted] heard Deputy [redacted] request assistance over the radio indicating there was a 415, deputy involved.

Deputy [redacted] heard multiple verbal commands from Deputies [redacted] and [redacted] for Inmate Barnett to stop fighting and stop kicking. Deputy Lance Moorman (#[redacted] arrived inside the officer's cage and took over the security for Deputy [redacted] Deputy [redacted] left the officer's cage to assist the deputies with Inmate Barnett.

When Deputy [redacted] stepped out into the sally port area **(refer to Exhibit D)**, he saw Inmate Barnett on the floor throwing kicks and jousting his legs backwards towards Deputy [redacted] Inmate Barnett was also thrusting his shoulders back and forth, appearing as though he was attempting to turn over onto his back. Deputy [redacted] was hovering

over Inmate Barnett's upper torso, utilizing his body weight to pin Barnett down.

As Inmate Barnett was attempting to turn over onto his back utilizing his right shoulder, Deputy [redacted] immediately placed his left foot onto Inmate Barnett's left shoulder, pinning him to the floor. Deputy [redacted] gave Inmate Barnett several commands to stop fighting, stop kicking, and lay face down on the floor. Inmate Barnett continued his aggression toward the deputies. Deputy [redacted] removed his left foot from Inmate Barnett's shoulder, knelt down and placed his knee on the upper portion of Inmate Barnett's back to keep him face down on the floor. As Deputy [redacted] once again, was giving Inmate Barnett verbal commands to stop fighting and to lay face down on the floor, Deputy [redacted] deployed a 3-5 second burst of Freeze + P spray to Barnett's facial area. Barnett then said, "Alright, alright. I had enough. I give up." Inmate Barnett stopped kicking and struggling. 3-4 additional deputies arrived on scene and a Code 4 was broadcasted over the radio.

> **<u>IAB Note</u>: Refer to Exhibit G for Deputy [redacted] diagram of Module 3300. Deputy [redacted] position is identified with a "B", Deputy [redacted] position is identified with a "Q" and Deputy [redacted] position is identified with an "R".**

Deputy [redacted] reported his use of force to Sergeant Barbosa and floor Senior Sean Geske ([redacted] He was not injured as a result of the incident. Deputy Brown saw slight swelling and blood to Inmate Barnett's face.

> **<u>IAB Note</u>: Refer to Exhibit A for a copy of Deputy [redacted] Supplemental report, File #009-00350-5100-145.**

> **<u>IAB Note</u>: Refer to a copy of Deputy [redacted] transcribed interviews for further details.**

<u>DEPARTMENT EMPLOYEE WITNESS STATEMENT:</u>

None.

<u>NON-DEPARTMENT WITNESS STATEMENTS:</u>

None.

<u>SUSPECT STATEMENTS:</u>

INMATE ALEXANDER BARNETT, Booking #1723409, was interviewed on March 17,

2009, by Internal Affairs Bureau Sergeant Teri Roberts. The interview took place at Men's Central Jail in an interview room next to 6000, and was digitally recorded. The following is a summary.

After returning from the roof area, Inmate Barnett returned to his housing area, module 3300, Able row, cell 8. Shower exchange was called and Inmate Barnett was the first inmate to be escorted to the shower. When Inmate Barnett finished his shower, 3100/3300 Movement Deputy [redacted] handcuffed Inmate Barnett behind his back through the cuffing port. Prior to opening the gate, Deputy [redacted] walked back into the officer's cage for approximately 5-10 minutes.

When Deputy [redacted] returned, Inmate Barnett asked Deputy [redacted] "How do you pronounce your name?" Deputy [redacted] responded, "Why do you need to know how to pronounce my name for?" Inmate Barnett said, "I was trying to be respectful." Deputy [redacted] ordered Inmate Barnett to face the wall and Barnett complied.

Deputy [redacted] grasped Inmate Barnett's handcuffs from behind and escorted him out of the shower to the wall in the front of the officer's cage. As Inmate Barnett faced the wall, Deputy [redacted] instructed Barnett to spread his legs. Deputy [redacted] kicked Inmate Barnett's right leg out further. Deputy [redacted] asked Barnett, "What was that you were saying the other day?" Barnett said, "The other day? I don't know nothing about the other day, sir." Deputy [redacted] asked, "Where is your razor. The razor they give you for your shower?" Barnett said, "It's on top of the telephone, sir. I never touched it."

Deputy [redacted] responded by saying, "Oh, yeah", then struck Inmate Barnett once on the right side of the face with his right fist. Deputy [redacted] pulled Inmate Barnett back by the handcuffs and the collar of his shirt, and slammed him to the floor, face down. Deputy [redacted] placed his knee onto Inmate Barnett's back and struck him 4-5 additional times in the face. As Inmate Barnett was struggling, Deputy [redacted] pepper sprayed him in his eyes. Inmate Barnett felt 8-10 fists hitting him in the face, back, legs, and sides. He also felt someone stomping on his ankle.

Inmate Barnett denies resisting or kicking at the deputies.

IAB Note: For photos of Inmate Barnett's injuries taken at Men's Central Jail by Sergeant Roberts, refer to Exhibit C.

IAB Note: Refer to a copy of Inmate Barnett's transcribed interview for further details.